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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,837	06/01/2001	Mark Ortowski	10010629-1	2835

7590 11/05/2003
AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
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EXAMINER

LEON, EDWIN A

ART UNIT PAPER NUMBER

2833

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,837

Applicant(s)

ORTOWSKI ET AL.

Examiner

Edwin A. León

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 9-11 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9-11 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's Appeal Brief filed August 13, 2003 has been placed of record in the file as Paper No. 20.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7, 9 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Pepe (U.S. Patent No. 5,836,786). With regard to Claim 1, Pepe discloses an modular system interface, comprising: a main panel (10), the main panel (10) including a plurality of sub-panel cut-outs (12), each sub-panel cut-out (12) having two sub-panel slots (upper and lower parts of 12, in which 20 and 30 are inserted), the main panel (10) further including a pair of attachment elements (14, Column 2, Lines 34-39), a plurality of sub-panels (20, 30) configured to be attachable to the main panel (10), at least one

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sub-panel (20, 30) including at least one connector cut-out (aperture in 34), wherein each sub-panel (20, 30) spans across a respective slot (upper and lower parts of 12, in which 20 and 30 are inserted) and individually attaches to a respective attachment element (14, Column 2, Lines 34-39); and a plurality of connectors (2) configure to be insertable in the at least one connector cut-out (aperture in 34) and attachable to the respective sub-panel (20, 30), wherein the at least one sub-panel (20, 30) is configured to support a one predetermined type of connector (Column 2, Lines 14-26, Column 3, Lines 26-33). See Figs. 3-7.

With regard to Claim 2, Pepe discloses the main panel (10) further comprising: a feed-through hole (46). See Figs. 3-7 and Column 3, Lines 47-51.

With regard to Claim 3, Pepe discloses the main panel (10) further comprising: a bottom support (bottom part of 10) that provides support for the main panel (10). See Figs. 3-7.

With regard to Claim 4, Pepe discloses the main panel (10) further comprising a top support (top part of 10) that provides support for the main panel (10). See Figs. 3-7.

With regard to Claim 5, Pepe discloses the main panel (10) being stamped from sheet metal. See Figs. 3-7.

With regard to Claim 7, Pepe discloses the attachment elements (14, Column 2, Lines 34-39) comprising a threaded structure. See Figs. 3-7.

With regard to Claim 9, Pepe discloses the sub-panel (20, 30) further comprising means (62) for attaching to the main panel (10). See Figs. 3-7.

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With regard to Claim 22, Pepe discloses the at least one sub-panel (20) spans across both sub-panel slots (upper and lower parts of 12, in which 20 and 30 are inserted) of a respective sub-panel cut-out (12) and is attachable to the two respective pairs of attachment elements (14, Column 2, Lines 34-39). See Figs. 3-7.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pepe (U.S. Patent No. 5,836,786) in view of Daoud (U.S. Patent No. 6,139,356). With regard to Claims 10-11, Pepe discloses the claimed invention except for a label marking area and an adhesive mylar label being attached to the label marking area.

Daoud discloses the use of a label marking area (16) and an adhesive mylar label (20) being attached to the label marking area (16). See Fig. 6, Column 1, Lines 64-66 and Column 4, Lines 46-63.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the interface of Pepe by including a label marking

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area and an adhesive mylar label being attached to the label marking area in order to avoid incorrect insertion of corresponding connectors

Response to Arguments

7. Applicant's arguments filed August 13, 2003 have been fully considered but they are not persuasive. In response to Applicant's arguments regarding Claims 1 and 22 that the Pepe reference doesn't show two sub panel slots, and that the aperture 12 is incapable of receiving two components and the at least one sub-panel spans across both sub-panel slots of a respective sub-panel cut-out and is attachable to the two respective pairs of attachment elements, Applicant's attention is directed to Fig. 3 in which the Pepe reference clearly discloses both sub panels (20,30) inserted in the aperture (12) in the upper and lower part of the aperture (12) and the at least one sub-panel (20) spans across both sub-panel slots (upper and lower parts of 12, in which 20 and 30 are inserted) of a respective sub-panel cut-out (12) and is attachable to the two respective pairs of attachment elements (14, Column 2, Lines 34-39). These upper and lower parts can be considered sub panel slots since they receive different sub panels.

In response to Applicant's arguments regarding Claims 1 and 7 that the Pepe reference doesn't show a pair of attachment elements adjacent to the sub-panel slots and comprising a threaded structure, Applicant's attention is directed to Fig. 3 and Column 2, Lines 34-39 in which the Pepe reference clearly discloses a pair of attachment elements (14, Column 2, Lines 34-39) adjacent to the sub-panel slots (upper

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and lower parts of 12, in which 20 and 30 are inserted) and comprising a threaded structure (Column 2, Lines 34-39). Applicant is reminded that the term "adjacent" is broad enough to read on the Pepe reference since its attachment elements (14, Column 2, Lines 34-39) are close or nearby the slots (upper and lower parts of 12, in which 20 and 30 are inserted).

In response to Applicant's arguments regarding Claim 2 that the Pepe reference doesn't show a feed-through hole having sufficient dimensions to allow pass-through of a cable, Applicant is reminded that the recitation that an element is "sufficient" to perform a given function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

8. Applicant's amendment filed December 23, 2002 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

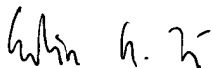
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (703) 308-6253. The examiner can normally be reached on Monday - Friday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Edwin A. Leon
AU 2833



Gary A. Leon
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EAL
October 30, 2003